IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

FUJIWARA, et al.

Examiner:

J. Dieterle

Serial No.:

10/578988

Group Art Unit:

1795

Filed:

May 11, 2006

Docket:

10873.1765USWO

Title:

METHOD OF MEASURING HEMATOCRIT (Hct), SENSOR USED IN

THE METHOD, AND MEASURING DEVICE

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted by EFS Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA

22313-1450 on December 22, 2009.

Name: Peggy Nerkhove

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form SB08 are brought to the attention of the Examiner. The references were originally cited in a Supplementary European Search Report issued in corresponding EP Application No. 04819923.6 or in a Supplementary European Search Report issued in corresponding EP Application No. 04819924.4. Both of these search reports were mailed November 23, 2009. Copies of any foreign patent documents or "Other Documents" are enclosed.

A concise explanation of the relevance of each non-English language document or other information is a follows (37 C.F.R. §(a)(3)):

US 5,264,103 corresponds to EP 0 537 761. US 2003/0159945 corresponds to EP 1 256 798. US 5,582,697 corresponds to EP 0 732 406. US 2004/0232009 corresponds to WO 03/034055.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

(1) within three (3) months of the Filing Date, before the mailin	ig date of a First
Office Action on the merits, or before the mailing date of a Fig.	rst Office
Action on the merits after the filing of a request for continued under 37 C.F.R. §1.114; or	examination

(2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and

the requisite Statement is below,	OR
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	 the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein. 						
STATEMENT							
	Applicants hereby state that:						
	; ;	Statement was first of a counterpart apple	lication or by the USPTO : other prior to the filing date	From a foreign patent office in a related application not			
\boxtimes	If this box is checked, Applicant provides the following:						
Certification Under 37 C.F.R. §1.704(d)							
	In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form SB08 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.						
The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.							
	<u>Appli</u>	cation No.	Filing Date	Group			

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form SB08, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

FEE AUTHORIZATION

Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

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Dated: December 22, 2009

By: Douglas P. Mueller

Reg. No. 30,300

DPM/pjk

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